IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1201 OF 2004

Mrs. Deviyani J. Mistry ..Petitioner.

Vs.

St. Lawerence Primary School & Ors. .. Respondents.

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Mr. R.C. Sequerra for the petitioner.
Mr. F.L. Berarwalla with Mr. Pradeep J. Jayakar and Ms. Rohini Dandekar i/b M/s. Berarwalla & Co. for respondent Nos.1 to 5.
Ms. P.A Purandare for respondent No.6.
Ms. Shreedharan for respondent Nos.7 and 8.

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CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

3rd December, 2004.

P.C. :

By an order dated 8th January, 2004, Education Officer stayed the order of termination of the petitioner and held the order to be illegal and unjust. It is stated that respondent No.1 had filed an appeal against that order before the Commissioner. Admittedly, there is no stay against the order dated 8th January, 2004 passed by the Education Officer. Consequently, the petitioner ought to have been reinstated in service.

2. At this stage, the learned counsel appearing for respondent No.1 submits that he would deposit the entire amount due and payable to the petitioner with the Education Officer and the petitioner would be at liberty to withdraw that amount upto the date of termination. On deposit of the entire amount, we direct the Commissioner to dispose of the appeal filed by respondent No. 1 within four months from today. No further directions are necessary. This petition is accordingly disposed of.

The parties be given a copy of this order authenticated by the office of this Court.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,
J.